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	CERTIFICATE OF EXPRESS MAIL
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DATE OF DEPOSIT Octobe	er ゟ , 2001
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	Prior application
James A. Baum	§	**
Amy Jelen Gilmer	§	Serial No. 09/337,635
Anne-Marie Light Mettus	§	,
	§	Group Art Unit: 1653
Serial No.:	§	
,	§	Examiner: K. Carlson
Confirmation No.:	§	
	§	
Filed: Concurrently herewith	§	
	§	
For: COMPOSITIONS ENCODING	§	Atty. Dkt. No.: MECO:2141
LEPIDOPTERAN-TOXIC POLYPEPTIDES	§	11792.0214.DVUS01

BOX PATENT APPLICATION

AND METHODS OF USE (As amended)

Commissioner for Patents Washington, D.C. 20231

REQUEST FOR FILING DIVISIONAL APPLICATION **UNDER 37 C.F.R. § 1.53(b)**

This is a request for filing a divisional application under Rule 53(b) (37 C.F.R. § 1.53(b)) of co-pending prior application Serial No. 09/337,635 filed June 21, 1999, entitled "Lepidopteran-resistant transgenic plants."



J. A. Baum et al. Page 2 of 4

 \boxtimes Enclosed is a copy of the prior application Serial No. 09/337,635 as originally 1.

filed, including specification (270 pages), claims (10 pages), abstract (1 page), drawings (11 sheets), and a declaration. The undersigned hereby verifies that the attached papers are a true copy of the prior application as originally filed and identified above, that no amendments (if any) referred to in the declaration filed to complete the prior application introduced new matter therein, and further that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

(a)	\boxtimes	The	inventorship	is	the	same	as	prior	Application	Serial	No.
		09/3	37,635.								

- (b) Deletion of inventor(s). Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. § 1.63(d)(2) and 1.33(b).
- (c) Priority of foreign patent application number , is claimed under 35 U.S.C. § 119 (a)-(e). The certified copy: is enclosed.

has been filed in the prior Application Serial No.

 \boxtimes 2. The Commissioner is authorized to charge the filing fee of \$740.00 to Deposit Account No. 01-2508/11792.0214.DVUS01. Should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed

materials, the Commissioner is authorized to deduct said fees from or credit any overpayment to Deposit Account No. 01-2508/11792.0214.DVUS01.

FEE CALCULATION (upon entry of Preliminary Amendment)

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE	
Basic Fee				\$740.00	
Total Claims Independent Claims Multiple Depender	3 - 20 = 1 - 3 =	_	X \$80.00 =	0 0 \$-0-	

<u>\$740.00</u>

- 4. Address all future communications to:

Patricia A. Kammerer HOWREY SIMON ARNOLD & WHITE, LLP 750 Bering Drive Houston, Texas 77057-2198 (713) 787-1400

- (a) 5. The prior application is presently assigned to Monsanto Technology LLC.
- 6. Enclosed is a preliminary amendment. Any additional fees incurred by this amendment are included in box No. 2 above, and said fee has been calculated after amendment of the claims by the present preliminary amendment.
- 7. Enclosed are formal drawings.